



PET. DEC.

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Mailed:

In re application of
Nicholson, et al.
Serial No. 09/640,526
Filed: August 17, 2000
For: EXTENDED WEAR OPHTHALMIC LENS

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Paper Number _____

DECISION ON
PETITION

This is a decision on PETITION TO EXPUNGE UNDER 37 C.F.R. 1.182, filed June 26, 2003, which has been accepted as a timely petition under 37 C.F.R. 1.59(b) and MPEP 724.02 and is before the Group Director of Technology Center for consideration.

DECISION

Petitioner requests that the documents supplied in Supplemental Information Disclosure Statement (IDS) filed November 18, 2002 be expunged and that the documents be appropriately disposed of in accordance with 37 CFR 1.59. Each of the criteria for granting the request has been satisfied, see the MPEP 724.05.

The petition is **GRANTED**.

Section 1.59 has been amended to eliminate references to returning documents that have been expunged to recognize that, with electronic Official files, there will be nothing to return when a paper is expunged.

The Office is capturing electronic images of all documents that form the Official file. Where the image is generated from a physical source document, the originating document may be disposed of once the electronic image accuracy is verified. The paper source document will eventually be destroyed under a United States National Archives and Records Administration (NARA) approved schedule. Therefore, if a document is to be expunged from the record, the only operation that will be required will be removal of the image from the Official file.

Paragraph (a)(1) of §1.59 has been amended by deleting the phrase "and returned" from the first sentence, and deleting the second sentence. Paragraph (b) of §1.59 has been amended by deleting the phrase "and return" from each of the first and second sentences. The Office will continue to provide notice in the Official file that a paper has been expunged and the Office will send a decision to the applicant notifying the applicant that the paper has been expunged.

The images of the documents have been removed from the Official file.

JMStone

Jacqueline M. Stone, Director
Technology Center 1700
Chemical and Materials Engineering

Thomas Hoxie
Novartis Corporate Intellectual Property
One Health Plaza 430/2
East Hanover, NJ 07936-1080